

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

RICHARD DALE FISHER, JR.,)
Petitioner,) Civil Action No. 7:15cv00661
)
v.)
)
DIRECTOR, VA DEPT. OF CORR.,) By: Elizabeth K. Dillon
Respondent.) United States District Judge
)

FINAL ORDER

In accordance with the memorandum opinion entered this day, it is hereby ORDERED that respondent's motion to dismiss (Dkt. No. 9) is GRANTED, Fisher's 28 U.S.C. § 2254 petition is DISMISSED with prejudice, and this action is STRICKEN from the active docket of the court.

Further, finding that Fisher has failed to make a substantial showing of the denial of a constitutional right as required by 28 U.S.C. § 2253(c), a certificate of appealability is DENIED.

The Clerk is directed to send copies of this order and accompanying memorandum opinion to all counsel of record and to Mr. Fisher, petitioner.

Entered: September 29, 2016.

/s/ Elizabeth K. Dillon
Elizabeth K. Dillon
United States District Judge